

601 KAR 12:070. Driving privilege withdrawal for child support nonpayment.

RELATES TO: KRS 186.570

STATUTORY AUTHORITY: KRS 186.570

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.570(2) requires the Transportation Cabinet to deny a license to or suspend the license of an operator of a motor vehicle upon receiving written notification from the Cabinet for Human Resources that the person has a child support arrearage which equals or exceeds the cumulative amount which would be owed after one (1) year on nonpayment. Pursuant to KRS 186.570(3), the Transportation Cabinet is required to offer an opportunity for an administrative hearing prior to withdrawing driving privilege. The Human Resources Cabinet offers an administrative hearing on child support arrearage pursuant to 904 KAR 2:410. Further, the appeal procedure set forth in Section 4 of 904 KAR 2:400 meets the requirements of KRS 186.570(3). Therefore, rather than require a person to go through two (2) administrative hearings covering exactly the same information, the hearing held by the Human Resources Cabinet pursuant to 904 KAR 2:410 is designated by this administrative regulation to also be the hearing required pursuant to KRS 186.570(3). Further, the administrative regulation sets forth the events which must have occurred prior to the restoration of driving privilege which was withdrawn pursuant to KRS 186.570(2).

Section 1. Hearing Procedure. In accordance with KRS 186.570(3) the Transportation Cabinet designates the Human Resources Cabinet as the appropriate agency to hold the administrative hearing on child support nonpayment and the associated withdrawal of driving privilege.

Section 2. In order to have driving privilege restored which has been withdrawn pursuant to KRS 186.570(2) the following events shall have occurred:

- (1) The Cabinet for Human Resources shall have submitted written authorization to the Transportation Cabinet for the restoration of driving privilege; and
- (2) The person shall have complied with the reinstatement procedure set forth in KRS Chapter 186. (22 Ky.R. 444; eff. 10-3-1995; Crt eff. 2-25-2019.)